IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITION NO.3018 OF 2005

Sohail Abdul Rashid Shaikh ..Petitioner

V/s.

The State of Maharashtra & Ors. ..Respondents

Shri Madhav Jamdar for the petitioner.

Shri S.R.Shinde, APP for the State.

Coram : R.S.Mohite,J

Date : 3.2.2006.

PC

1. Heard Advocate for the petitioner and the APP. Rule. By consent, rule is made returnable forthwith.

2. This is a petition impugning an order dated 2.7.2005 passed by respondent no.2 refusing furlough leave to the petitioner. On perusal of the impugned order, it is seen that the furlough leave has been refused on the ground that there is likelihood of threats to the witnesses and that the surety is an old person and therefore, is not competent. The petitioner states that there is non application of mind because the surety is his maternal uncle who is only aged about 54 years. Be that as it may, furlough is a matter of right. In so far as

question of surety being old, there is no mention of the age of the surety. In such matters, furlough is normally granted for a very short period and merely because surety is elderly person but otherwise has assets to secure the amount of surety, normally such surety should be accepted. In the circumstances, it is directed that the petitioner may be granted furlough leave of 2 weeks from the date of his release subject to his furnishing surety of a close relative for the amount of Rs.5000/-. Rule made absolute in the above terms. Petition is disposed of finally.

(R.S.Mohite,J)